

Message Text

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53

ACTION L-03

INFO OCT-01 EUR-12 EA-07 ISO-00 SS-15 SP-02 H-02 NSC-05

CAB-02 CIAE-00 COME-00 DODE-00 DOTE-00 EB-07 INR-07

NSAE-00 FAA-00 PA-01 PRS-01 USIA-06 IO-10 OMB-01

OIC-02 AF-06 ARA-06 NEA-10 USPS-01 /107 W

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P R 141550Z AUG 75

FM AMEMBASSY STOCKHOLM

TO SECSTATE WASHDC PRIORITY 5392

INFO AMEMBASSY BERN

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: PORG, EAIR, ICAO, SW

SUBJECT: ICAO DIPLOMATIC CONFERENCE ON REVISION OF HAGUE
PROTOCOL TO WARSAW CONVENTION, MONTREAL, SEPT. 1975

REF: A. STOCKHOLM 2831; B. STATE 186136

SUMMARY. SWEDEN NOT RPT NOT PREPARED AT THIS TIME TO CO-SPONSOR
REVISED US PROPOSAL ON GROUNDS THAT IT APPEARS TO BE UNNECES-
SARILY COMPLICATED BY CALLING FOR BOTH (A) AN INDEPENDENT NEW
INSTRUMENT INCLUDING GUATEMALA PASSENGER AND BAGGAGE PROVISIONS
AND MONTREAL CARGO AND MAIL PROVISIONS, AND (B) A PROTOCOL TO
AMEND THE CARGO AND MAIL PROVISIONS OF HAGUE PROTOCOL,
SWEDES PREFER THEIR OWN PROPOSAL FOR SINGLE CONSOLIDATED NEW INSTRU-
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MENT. HOWEVER, IF THEY FIND THAT THEIR PROPOSAL IS NOT WIDELY
SUPPORTED AT MONTREAL, THEY WOULD BE PREPARED TO CONSIDER
SUPPORTING US PROPOSAL.

1. SWEDISH JUSTICE MINISTRY HAS PROVIDED EMBASSY WITH FOLLOWING MEMORANDUM IN RESPONSE TO REVISED US PROPOSAL TO DEAL WITH THIRD POINT OF ORIGINAL US THREE-PART PROPOSAL TO AMEND HAGUE AND GUATEMALA PROTOCOLS TO WARSAW CONVENTION:

QUOTE: SWEDISH GOVERNMENT UNDERSTANDS THAT ESSENCE OF US PROPOSAL IS SUGGESTION THAT DIPLOMATIC CONFERENCE IN SEPTEMBER SHOULD PRODUCE TWO NEW INSTRUMENTS: (A) AN INDEPENDENT NEW INSTRUMENT DRAFTED ALONG LINES PROPOSED BY SWEDEN AT MEETING OF COUNCIL WORKING GROUP IN APRIL 1975 (APPENDIX B TO REPORT OF WORKING GROUP), CONTAINING ALSO NEW ARTICLES WHICH WOULD PERMIT STATES TO BECOME PARTIES ONLY TO PASSENGER AND BAGGAGE, OR ONLY TO CARGO AND MAIL, PROVISION; (B) A PROTOCOL TO AMEND CARGO AND MAIL PROVISION OF WARSAW CONVENTION AS AMENDED BY HAGUE PROTOCOL.

QUOTE: SWEDISH GOVERNMENT IS AWARE OF NEED TO PERMIT STATES WHICH BECOME PARTIES TO GUATEMALA PASSENGER PROVISIONS TO BE FREED FROM CARGO PROVISIONS OF HAGUE PROTOCOL, WHEN ACCEPTING NEW PROVISIONS ON CARGO THAT WE EXPECT WILL BE ADOPTED AT MONTREAL. PROPOSAL SUBMITTED BY SWEDEN AT COUNCIL WORKING GROUP SOLVES THIS PROBLEM AS NEW INSTRUMENT IN PRACTICE WILL SUBSTITUTE GUATEMALA CITY PROTOCOL ENTIRELY AND LEAVES STATES FREE TO DENOUNCE OLDER INSTRUMENTS. SWEDISH PROPOSAL PERMITS AT SAME TIME STATES BEING PARTIES TO HAGUE PROTOCOL TO ADHERE TO NEW CARGO AND MAIL PROVISIONS ONLY AND THERE IS CONSEQUENTLY NO NEED FOR SEPARATE PROTOCOL TO AMEND HAGUE TEXT.

QUOTE: SWEDISH GOVERNMENT APPRECIATES THAT FORMULATION OF US PROPOSAL HAS BEEN MOTIVATED BY DESIRE TO ACHIEVE WIDESPREAD SUPPORT FOR A SOLUTION WHICH INVOLVES ADOPTION OF A NEW INDEPENDENT INSTRUMENT EMBODYING GUATEMALA PROVISIONS AS WELL AS NEW PROVISIONS RELATING TO CARRIAGE OF CARGO. HOWEVER, US PROPOSAL, IF ADOPTED, WOULD HAVE AS A CONSEQUENCE ADDING TWO NEW INSTRUMENTS TO ALREADY EXISTING MULTIPLICITY OF INSTRUMENTS IN THIS FIELD. THIS, IN OUR MIND, WOULD CREATE A COMPLICATED AND CONFUSING LEGAL SITUATION WITH RESULTING UNCERTAINTY AS TO REFERENCES TO APPLICABLE INSTRUMENT AS WELL AS WITH REGARD TO OBLIGATIONS UNDER INTERNATIONAL LAW BETWEEN STATES PARTIES TO THE VARIOUS INSTRUMENTS. SWEDISH PROPOSAL SUBMITTED TO COUNCIL WORKING GROUP IMPLIES MORE SIMPLE AND CLEAR-CUT SOLUTION. IN LIMITED OFFICIAL USE
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ITS COMMENTS SUBMITTED TO DIPLOMATIC CONFERENCE IN SEPTEMBER SWEDISH GOVERNMENT HAS ADVANCED THIS PROPOSAL AS A SOLUTION TO THE FORM OF THE NEW INSTRUMENT. COPY OF SWEDISH COMMENTS IS ENCLOSED. (EMBASSY NOTE: SAME COMMENTS WERE PREVIOUSLY SUPPLIED BY GOS AND POUCHED JUNE 11 TO MR. STYLES EB/AV/AN. SEE "COMMENTS BY SWEDEN CONCERNING DRAFT ARTICLES FOR REVISION OF WARSAW CONVENTION AS AMENDED AT THE HAGUE, 1955".)

QUOTE: FOR REASONS NOW MENTIONED SWEDISH GOVERNMENT IS NOT PREPARED TO CO-SPONSOR US PROPOSAL. IF, HOWEVER, SWEDISH PROPOSAL WOULD NOT ATTAIN SUFFICIENT SUPPORT, SWEDISH DELEGATION WILL CONSIDER TO SUPPORT US PROPOSAL WHICH ESSENTIALLY MEETS SAME OBJECTS.

QUOTE: IN THIS CONNECTION SWEDISH GOVERNMENT WOULD LIKE MENTION THAT A REVISED VERSION OF ARTICLE B OF DRAFT FINAL PROVISIONS CONTAINED IN SWEDISH PROPOSAL HAS BEEN ELABORATED AFTER CONSULTATION WITH SOME OTHER EUROPEAN STATES. COPY OF REVISED TEXT IS ATTACHED TO THIS MEMO. UNQUOTE. (EMBASSY NOTE: COPY OF MEMO AND REVISED TEXT WILL BE POUCHED TO FRANK WILLIS C/O EB/AV/AN.)

2. IN ORAL REMARKS JUSTICE OFFICIAL EMPHASIZED THAT GOS WAS IN AGREEMENT WITH US ON SUBSTANCE AND DIFFERED ONLY ON HOW COMMON OBJECTIVES COULD BEST BE ACHIEVED. HE INDICATED, SOMEWHAT MORE POSTIVELY THAN MEMORANDUM DOES, THAT, ALTHOUGH GOS DOES NOT FEEL PREPARED FOR TIME BEING TO CO-SPONSOR US PROPOSAL, SHOULD IT BE OBVIOUS AT CONFERENCE THAT THERE WAS NOT SUFFICIENT SUPPORT FOR GOS PROPOSAL, SWEDEN WOULD REPEAT WOULD BE PREPARED TO SPONSOR US PROPOSAL.

3. BENGT NILSSON, SWEDISH JUSTICE MINISTRY, HAS BEEN EMBASSY'S CONTACT WITH RESPECT TO BOTH ORIGINAL THREE-PART US PROPOSAL AND REVISED PROPOSAL.

4. FROM HIS CONSULTATIONS WITH BRITISH AND FRENCH AT RECENT OLSO MEETING OF EUROPEANS, NILSSON JUDGED THAT UK AND FRANCE SEEMED INCLINED TO SUPPORT SWEDISH PROPOSAL. STRAUZ-HUPE

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